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 Shephard, Russell, Ames,  
 Abarca, Palacios, Charvet,  
 Ware, Perales, Almeida,  
 City of Grandview and  
 City of Mabton

HONORABLE EDWARD F. SHEA

**UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF WASHINGTON**

<b>EVITA MENDOZA</b> , et al,	)	<b>NO. CV-09-3107-EFS</b>
	)	
Plaintiffs,	)	<b>ORDER ADOPTING</b>
	)	<b>STIPULATION FOR</b>
vs.	)	<b>PROTECTIVE ORDER</b>
	)	<b>PURSUANT TO FRCP 29</b>
<b>TRAVIS SHEPHARD</b> , et al.	)	
	)	
Defendants.	)	
_____	)	

On July 15, 2010, Plaintiffs, by and through their attorneys of record Anthony Murawski, Norma Rodriguez and Dennis Hanson, and Defendants, Shephard, Russell, Ames, Abarca, Palacios, Charvet, Ware, Perales, Almeida, City of Grandview and City of Mabton, by and through their attorney of record, G. Scott Beyer, and Defendants, City of Sunnyside, Phil Schenck and Ed Radder, by and through their attorney of record, Brian Christensen, and

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3 Defendants, Ken Irwin and Yakima County, by and through their attorney of  
4 record, Deputy Yakima County Prosecuting Attorney Lawrence A.  
5 Peterson, agreed and stipulated, pursuant to FRCP 29, to a protective order  
6 regarding certain "Protected Information."  
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9 ACCORDINGLY, IT IS HEREBY ORDERED:

10 1. The parties and their respective attorneys will not disclose or share  
11 any part of the "Protected Information" described below or any information  
12 gleaned from said information with any person, except as expressly provided  
13 herein.  
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15 2. The Protected Information covered by this Stipulation and the  
16 subsequent Order of the court are described as follows:  
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18 (a) Electronic files identified as 20061110\_070857\_ch2.wav,  
19 20061110\_074342\_ch2.wav, and 20061110\_074516\_ch1.wav, as  
20 found on compact disc produced by Defendant Grandview,  
21 identified as "GPD Dispatch, 20061110\_010948\_ch1.wav thru  
22 20061110\_084523\_ch3.wav, with the exception of that portion of  
23 file 20061110\_074342\_ch2.wav related to Officer Shepard."  
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26 3. The parties' attorneys agree that prior to any disclosure of  
27 Protected Information as described in this Stipulation and the subsequent  
28 Order, with the exception of court personnel, court reporter, mediator, judge,  
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3 witness in this case in open court or jury in this case, they will obtain from  
4 each proposed recipient of the Protected Information their signature on an  
5 Agreement to Protective Order that states that the recipient has received a copy  
6 of the Protective Order regarding the Protected Information and agrees to be  
7 bound by such order. By signing the Agreement to Protective Order the  
8 recipient agrees that he or she has read the order, represents that he or she is a  
9 person permitted to have access to information from the Protected Information  
10 and agrees that he or she will make no further disclosure of the information  
11 received, will personally protect the confidentiality of all copies and will either  
12 return them to the attorney who provided the information at the conclusion of  
13 this case, or will at that time personally destroy them and upon request from  
14 the producing party will provide a sworn affidavit that he or she has done so.  
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19 4. Subject to the terms of this Stipulation and subsequent Order,  
20 including but not limited to paragraph 3 above to the extent applicable, the  
21 parties' attorneys may allow inspection of Protected Information or discuss the  
22 contents of Protected Information or information therefrom with the following  
23 categories of persons and no other:  
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26 (a) The attorneys of record for the parties and members of the  
27 legal and support staff of the attorneys' offices;  
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(b) Experts, consultants or investigators retained by the attorneys to assist in evaluation, preparation or testimony in this case;

(c) Any court personnel, mediator, judge and or jury in this case;

(d) Any party or their designated representatives;

(e) Any actual or potential witness who it is believed will give relevant testimony regarding the Protected Information;

(f) Any person testifying at a deposition who it is believed will give relevant testimony regarding the Protected Information; and

(g) Any person identified as having authored or who received the material prior to this Stipulation.

5. If it becomes necessary for a party to produce Protected Information in a deposition or to elicit testimony regarding the Protected Information, the deponent in the deposition and any person who is not an attorney of record attending the deposition shall be provided with a copy of the Protective Order regarding the Protected Information and shall be required to stipulate to be bound by such Order. The court reporter for such deposition shall be directed to not release any Protected Information made an exhibit to the deposition or any portions of the deposition regarding such Protected Information to any person not an attorney of record in this proceeding, without

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3 first giving written notice to the producing party's attorney and the expiration  
4 of thirty (30) days after mailing such notice. If within such thirty (30) days, the  
5 court reporter receives notice of a motion to prohibit the release of such  
6 Protected Information or portions of the deposition, the court reporter shall not  
7 release such Protected Information or portions of the deposition until being  
8 notified of the disposition of such motion.  
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11         6. If it becomes necessary for a party to submit Protected  
12 Information to the court, it shall be placed in a sealed envelope plainly marked  
13 in red ink as follows: "PROTECTED INFORMATION" pursuant to Case No.  
14 CV-09-3107-EFS. This notation will also be on the face of any record of the  
15 Protected Information to the extent feasible in red ink.  
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18         7. The parties and their attorneys agree to use the Protected  
19 Information or information obtained therefrom only for the purpose of  
20 prosecuting this litigation.  
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22         8. At the time of exchange of exhibit lists, the parties shall add in  
23 their exhibit lists a notation "PROTECTED INFORMATION" in capital letters  
24 for any Protected Information. The producing party may make any appropriate  
25 motion or objection regarding the handling or exclusion of the Protected  
26 Information at trial.  
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9. Nothing in the Protective Order shall limit any producing party's use of its own documents or information or shall prevent any producing party from disclosing its protected information to any person.

10. The court retains jurisdiction to make any amendments, modifications or additions to the Protective Order as it deems appropriate.

11. The parties, by stipulation, may add additional documents to be covered by the Stipulation and subsequent Order signed by the court.

Dated this 26th day of July, 2010.

s/ Edward F. Shea  
EDWARD F. SHEA,  
U.S. District Court Judge

Presented by:

s/ G. SCOTT BEYER  
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